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09/675,597	09/29/2000	Eric James	99EC036/77527	9867

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EXAMINER

PHAN, JOSEPH T

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/675,597	<b>Applicant(s)</b> JAMES ET AL.	
	<b>Examiner</b> Joseph T. Phan	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 12, and 16 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1, 12, and 16 line 5 newly recites the phrase "...including management of the plurality of agents". Applicant's specification does not support nor define this phrase, page 5 lines 13-26 discloses the responsibilities of the administrators which include management of the call center but it does not include the management of the plurality of agents. Appropriate clarification and/or correction is required.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 1, 12, and 16 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, 12, and 16 lines 7-8 recites "...requests from the administrator for operational information about the call center **management** including management of the plurality of agents..." which is unclear and confusing because if the administrator is the manager of the call center then how and why would the administrator request information about the call center **management**. Examiner respectfully requests the applicant to identify support of these and future amendments in corresponding responses.

Appropriate clarification and/or correction is required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**9. Claims 1-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Partovi et al., Patent #6,970,915 in view of Foladare, et al., Patent #6,049,602.**

Regarding claim 1, Partovi teaches a method of using voice to provide administrative access to call center operational management information in a call center having at least one administrator comprising the steps of:  
connecting an administrator responsible for management of the call center to a voice response server(*col.4 lines 26-40 and col.15 lines 6-17; caller of voice portal is an administrator of his call center system*); the voice response server processing voice telephone requests from the administrator for operational information about the call center(*500 Fig.5 and col.7 lines 5-30*), and the voice response server responding to the telephone requests by providing the operational information about the call center to the administrator(*512 of Fig.5, col.5 lines 15-30, and col.15 lines 30-45*)

Partovi does not expressly disclose that his users are administrators responsible for management of a plurality of customer service agents.

Foladare teaches administrators(CSR's) responsible for management of a call

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center(Fig.1 and col.1 line 53-col.2 line 27).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Partovi's system as an administrator for managing a call center as taught by Foladare and further to include the responsibility of the administrator to manage a plurality of call center agents.

One of ordinary skill in the art would have been motivated to do this as both Partovi and Foladare are in the same field of endeavor and allowing Foladare's administrators to manage a plurality of agents would enable more flexibility and make administrators more effective and efficient. It is also noted that modifying Partovi's voice portal in and of itself to include management of a call center and its agent is merely a design choice and should not need justification. The idea of including managing agents is old and well-known in the art of management.

Regarding claim 2, Partovi in view of Foladare teaches the method of claim 1 wherein the step of connecting further comprises the step of interfacing with a telephony server to receive telephony input from a remote administrator(col.13 lines 22-28 and col.13 line 63-col.14 line 10).

Regarding claim 3, Partovi in view of Foladare teaches the method of claim 1 wherein the step of connecting to a voice response server further comprises the step of authenticating the administrator in the voice response server(col.5 lines 25-39).

Regarding claim 4, Partovi in view of Foladare teaches the method of claim 3 wherein the step of authenticating is performed by matching login names with passwords(col.13 line 63-col.14 line 10).

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Regarding claim 5, Partovi in view of Foladare teaches the method of claim 1 wherein the step of processing further comprises translating an administrator's input into a command recognized by a computer in the call center(col.5 lines 15-50)

Regarding claim 6, Partovi in view of Foladare teaches the method of claim 5 wherein the computer includes an automatic call distributor(200 Fig.2) and call center command server(110 or 160 Fig.2).

Regarding claim 7, Partovi in view of Foladare teaches the method of claim 1 wherein the step of processing adheres to the VoicexML standard processing further comprises the step of using speech recognition to translate an administrator's input into a command recognized by a computer in the call center(col.11 lines 6-16 and lines 53-60).

Regarding claim 8, Partovi in view of Foladare teaches the method of claim 1 wherein the step of responding further comprises the step of performing text to speech translation to aurally present information to administrators(col.11 lines 17-27).

Regarding claim 9, Partovi in view of Foladare teaches the method of claim 1 wherein the operational information includes at least one of call center applications(col.11 lines 53-60).

Regarding claim 10, Partovi in view of Foladare teaches the method of claim 1 wherein the step of processing employs learning a pattern of regularly used accessed commands of a respective administrator to automatically provide operational information about the call center to the administrator based upon the pattern(col.5 lines 15-25).

Regarding claim 11, Partovi in view of Foladare teaches the method of claim 1 wherein the step of processing is interrupted by a barge in request to interrupt information presentations to permit quick retrieval of desired information(col.7 lines 25-30).

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**Regarding claim 12, Partovi** teaches a system for administrative voice to access call center operational information in a call center comprising:  
means for connecting an administrator of the call center to a voice response server(*Fig.2, col.4 lines 12-40 and col.15 lines 6-17*);  
means for processing telephone requests from the administrator for information about the call center(*Fig.2, 500 Fig.5 and col.7 lines 5-30*), and means for responding to the voice telephone requests by providing information about the call center to the administrator including recognizing and learning over time a pattern of regularly used commands of a respective administrator to automatically provide regularly requested information based upon the patten(*512 of Fig.5, col.5 lines 30-51, and col.15 lines 30-50*).

Partovi does not expressly disclose that his users are administrators responsible for management of a plurality of customer service agents.

Foladare teaches administrators(CSR's) responsible for management of a call center(*Fig.1 and col.1 line 53-col.2 line 27*).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Partovi's system as an administrator for managing a call center as taught by Foladare and further to include the responsibility of the administrator to manage a plurality of call center agents.

One of ordinary skill in the art would have been motivated to do this as both Partovi and Foladare are in the same field of endeavor and allowing Foladare's administrators to manage a plurality of agents would enable more flexibility and make administrators more effective and efficient. It is also noted that modifying Partovi's voice portal in and of itself to include



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management of a call center and it's agent is merely a design choice and should not need justification. The idea of including managing agents is old and well-known in the art of management.

Regarding claim 13, Partovi in view of Foladare teaches the system of claim 12 wherein the means for connecting includes a programmable computer configured to accept telephony requests(fig.2).

Regarding claim 14, Partovi in view of Foladare teaches the system of claim 12 wherein the means for processing includes a voice response server comprising a programmable computer(Fig.2).

Regarding claim 15, Partovi in view of Foladare teaches the system of claim 12 wherein the means for responding includes a programmable computer(Fig.2)

**Regarding claim 16, Partovi** teaches a system for using voice to provide administrative access to operational call center information in a call center comprising;

a call manager which accepts information requests by voice from an administrator of the call center and which provides information about the call center(200 Fig.2, col.4 lines 12-40 and col.15 lines 6-17);

a VXML interpreter that translates the operational information and the requests between the administrator and call center, and a network interface that manages transmission and receipt of data between the VXML interpreter and call center(col.11 lines 53-60, 512 of Fig.5, and col.5 lines 25-51).

Partovi does not expressly disclose that his users are administrators responsible for management of a plurality of customer service agents.

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Foladare teaches administrators(CSR's) responsible for management of a call center(Fig.1 and col.1 line 53-col.2 line 27).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Partovi's system as an administrator for managing a call center as taught by Foladare and further to include the responsibility of the administrator to manage a plurality of call center agents.

One of ordinary skill in the art would have been motivated to do this as both Partovi and Foladare are in the same field of endeavor and allowing Foladare's administrators to manage a plurality of agents would enable more flexibility and make administrators more effective and efficient. It is also noted that modifying Partovi's voice portal in and of itself to include management of a call center and it's agent is merely a design choice and should not need justification. The idea of including managing agents is old and well-known in the art of management.

Regarding claim 17, Partovi in view of Foladare teaches the system of claim 16 wherein the call manager is a programmable computer which interfaces to a telephony server to receive telephone input from a remote administrator(col.13 lines 22-28 and col.13 line 63-col.14 line 10).

Regarding claim 18, Partovi in view of Foladare teaches the system of claim 17 wherein the call manager further comprises a telephony interface for receiving telephony input from a remote administrator(col.5 lines 25-39).

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Regarding claim 19, Partovi in view of Foladare teaches the system of claim 17 wherein the call manager includes a database for authenticating users of the system(col.13 line 63-col.14 line 10).

Regarding claim 20, Partovi in view of Foladare teaches the system of claim 17 wherein the call manager recognizes and learns a pattern of regularly used commands of a respective administrator to automatically provide regularly requested operational information(*col.5 lines 25-51*, col.7 lines 5-12 and col.11 lines 6-26).

Regarding claim 21, Partovi in view of Foladare teaches the system of claim 17 wherein the VoicexML interpreter includes a programmable computer 'for translating telephony requests to VoicexML commands(col.11 lines 53-60).

Regarding claim 22, Partovi in view of Foladare teaches the system of claim 17 wherein the VoicexML interpreter includes a translator for rendering VoicexML commands into automatic call distributor commands(col.11 lines 53-60).

Regarding claim 23, Partovi in view of Foladare teaches the system of claim 17 wherein the call manager interrupts information requesting presentations in response to a barge in request from the administrator(col.11 lines 53-60).

Regarding claim 24, Partovi in view of Foladare teaches the system of claim 17 wherein the network interface includes local area network, Internet, extranet, and wireless network software(fig.1).

Regarding claim 25, Partovi in view of Foladare teaches the system of claim 17 wherein the network interface includes a programmable computer for translating VoicexML commands into data packets for a local area network(fig.1 and col.11 lines 53-60).

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Regarding claim 26, Partovi in view of Foladare teaches the system of claim 17 wherein the network interface includes computer hardware which retrieves data from a local area network and translates the data into VoicexML commands(fig.1 and col.11 lines 53-60).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph T Phan/

Examiner, Art Unit 2614

/CURTIS KUNTZ/

Supervisory Patent Examiner, Art Unit 2614